

February 11th, 2013

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:30 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff, Councillors O'Leary, Hickman, Hann, Colbert, Breen, Galgay, Tilley and Collins.

Regrets: Councillor Hanlon.

City Manager, Deputy City Manager/Director of Corporate Services & City Clerk, Deputy City Manager/Director of Public Works & Parks, Director of Planning; Director of Engineering, City Solicitor and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2013-02-11/74R

It was decided on motion of Councillor Tilley; seconded by Councillor Collins: That the Agenda be adopted as presented with the following additional item:

- a. Letter of thanks from Sr. Elizabeth M. Davis and Sister Sharon Fagan, The Gathering Place**
- b. Heritage Advisory Committee Report dated February 11, 2013**

Adoption of Minutes

SJMC2013-02-11/75R

It was decided on motion of Councillor Breen; seconded by Councillor Galgay: That the minutes of February 4th, 2013 meeting be adopted as presented.

Business Arising

Re: Proposed Hotel Development

Civic Number 227, 229 & 245 Kenmount Road (Ward 4)

Applicant: Pacific Coast Architecture for Northwood Properties Corporation

Under business arising, Council considered a memorandum dated February 7, 2013 from the Director of Planning concerning the above noted.

SJMC2013-02-11/76R

It was moved by Councillor Hann; seconded by Councillor Hickman: That the following Resolutions for St John's Municipal Plan Amendment Number 109, 2013 and St. John's Development Regulations Amendment Number 557, 2013 be adopted in principle, subject to the issuance of a Provincial release from the Department of Municipal Affairs.

It is noted that once the Provincial release is issued, the amendments will then be referred to a future Regular Meeting of Council for consideration of formal adoption and appointment by Council of an independent commissioner responsible to conduct a public hearing and to prepare a report with recommendations on the amendments.

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 109, 2013**

WHEREAS the City of St. John's wishes to allow a hotel development at Civic Number 227-229-245 Kenmount Road which will have a building height greater than 15 metres.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

Amend Part III, Section 3.3.3 ("Commercial Highway Land Use District – Building Height and Area") by adding the following new sentence so that the Section reads as follows:

"Building Height and Area

Building Heights in this District shall not exceed a height of 15 metres or a Floor Area Ratio of 1.0 with the exception of the property located at Civic Number 227-229-245 Kenmount Road where the maximum allowed Building Height is 25 metres.

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this
11th day of February, 2013.

Mayor

City Clerk

Provincial Registration

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP

**RESOLUTION
ST. JOHN’S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 557, 2013**

WHEREAS the City of St. John’s wishes to allow a hotel development at Civic Number 227-229-245 Kenmount Road which will have a building height greater than 15 metres.

BE IT THEREFORE RESOLVED that the City of St. John’s hereby adopts the following text amendment to the St. John’s Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

Amend Section 10.20.3 ("Zone Requirements – Commercial Highway (CH) Zone) by adding the following new subsection:

“10.20.3 (3) Notwithstanding subsections (1) and (2) noted above, the maximum Building Height for the property located at Civic Number 227-229-245 Kenmount Road is 25 metres.

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 11th day of February, 2013.

Mayor

City Clerk

Provincial Registration

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP

During discussion, Councillor Hickman noted that the City should use the opportunity to improve entrances and exits in this area of Kenmount Road and asked that the matter be referred to the Director of Engineering for follow-up.

The motion being put was unanimously carried.

Notices Published

- 1. A Discretionary Use Application** has been submitted by the Church Lads Brigade (CLB) at **Civic No. 82 Harvey Road** requesting permission for a Lounge License as part of the overall business operation. The Lounge License will enable the (CLB) to host functions which would not require food to be served at an event. (**Ward 2**)

One (1) Submission

SJMC2013-02-11/77R

**It was moved by Councillor Galgay; seconded by Councillor Tilley:
That the application be approved.**

The motion being put was unanimously carried.

2. **A Discretionary Use Application** has been submitted requesting permission to occupy **Civic No. 10 Strawberry Marsh Road** as a home occupation for craft classes. The proposed business will occupy a floor area of approximately 33 square metres. The classes are offered six times per month, and will only take place Monday through Thursday (courses not offered Friday, Saturday or Sunday), 7:30 to 9:30 p.m., and an occasional morning class from 10 a.m. to 12 p.m., once or twice a month. No morning classes in December and no classes offered at all in July and August. The business involves crafting classes for a maximum of six clients. There are three on-site parking spaces provided for the business. The applicant is the sole employee. **(Ward 4)**

Six (6) Submissions

SJMC2013-02-11/78R

It was moved by Councillor O’Leary: seconded by Deputy Mayor Duff: That the application be deferred to allow staff an opportunity to review the written public submissions that have been received by the City Clerk's Department.

The motion being put was unanimously carried.

Development Committee Report February 5, 2013

Council considered the following Development Committee Report dated February 5th, 2013:

1. **Equity Capital Corporation**
Crown Land Grant Referral for 0.03 Hectares of Land
Cappahayden Street Ward 5

That Council approve the subject Crown Land Grant referral. Should the applicant be successful in obtaining the Crown Land Gant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.



Robert F. Smart
City Manager
Chair – Development Committee

SJMC2013-02-11/79R

It was moved by Councillor Hann; seconded by Councillor Collins: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

Heritage Advisory Committee Report dated February 11, 2013

Council considered the following Heritage Advisory Committee Report dated February 11, 2013:

In Attendance: Deputy Mayor Shannie Duff, Chairperson
Councillor Sheilagh O'Leary
Debbie O'Rielly, NL Historic Trust
Tony Lockyer, Canadian Homebuilders
Melanie DelRizzo, Citizen Representative
Wayne Purchase, Downtown St. John's
Taryn Sheppard, Nexter Representative
Anne Hart, Citizen Representative
Gerard Hayes, Citizen Representative
Ken O'Brien, Manager of Planning & Information
Peter Mercer, Heritage Officer
Helen Miller, City Archivist
Karen Chafe, Recording Secretary

1. Committee Membership

The Committee has been advised by the NL Association of Architects that Mr. David Kelland has resigned as their representative to the Committee. They have appointed Mr. Jeremy Bryant as their new representative.

The Committee recommends that Council accept the appointment of Mr. Jeremy Bryant as representative for the NL Association of Architects and that a letter of appreciation be forwarded by the Mayor to Mr. David Kelland for his many years of service to the Committee.

**Deputy Mayor Shannie Duff
Chairperson**

SJMC2013-02-11/80R

It was moved by Deputy Mayor Duff; seconded by Councillor Galgay: That the Committee’s recommendation be approved.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following development permits list for the period of February 1, 2013 to February 7th, 2013:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF February 1, 2013 TO February 7, 2013**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	McLoughlan Estates Limited	Site Improvements	24-26 Blackmarsh Road	2	Approved	13-02-01
COM		Home Office-Electrical Contractor	42 castle Bridge Dr.	5	Approved	13-02-05
COM		Home Office-Internet Sales for Immunoway Biotechnology	24 Notre Dame Dr.	3	Approved	13-02-05
INST	AE Consultants	West End Fire Station-Site Plan	Blackmarsh Road	3	Approved	13-02-05

<p>* Code Classification: RES - Residential COM - Commercial AG - Agriculture OT - Other</p>	<p>INST - Institutional IND - Industrial</p>
<p>** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.</p>	

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List

SJMC2013-02-11/81R

**It was moved by Deputy Mayor Duff; seconded by Councillor Tilley:
That the recommendation of the Director of Building and Property
Management with respect to the following Building Permits List be
approved:**

**Building Permits List
Council's February 11, 2013 Regular Meeting**

Permits Issued: 2012/01/31 To 2013/02/06

Class: Commercial

61 James Lane	Co	Warehouse
61 James Lane	Co	Retail Store
279 Portugal Cove Rd	Co	Service Shop
145 Lemarchant Rd	Rn	Office
40 Aberdeen Ave	Ms	Retail Store
40 Aberdeen Ave	Ms	Service Shop
79b Aberdeen Ave	Ms	Retail Store
89 Aberdeen Ave	Ms	Retail Store
57 Blackmarsh Rd	Ms	Place Of Assembly
44 Crosbie Rd	Ms	Convenience Store
10 Elizabeth Ave	Ms	Retail Store
324 Frecker Dr	Ms	Convenience Store
9 Hallett Cres	Ms	Retail Store
12-20 Highland Dr	Ms	Retail Store
35 Kelsey Dr	Ms	Restaurant
39 Kelsey Dr	Ms	Retail Store
58 Kenmount Rd	Ms	Office
394 Kenmount Rd-Meks Salon	Sn	Service Shop
409 Kenmount Rd	Ms	Commercial Garage
219 Major's Path	Ms	Retail Store
10 Messenger Dr	Ms	Retail Store
40 Mundy Pond Rd	Ms	Admin Bldg/Gov/Non-Profit
110 Mundy Pond Rd	Ms	Church
119 New Cove Rd	Ms	Clinic
446 Newfoundland Dr	Ms	Restaurant
60 O'leary Ave	Ms	Retail Store
54 Pippy Pl	Ms	Retail Store
279 Portugal Cove Rd-Envy Hair	Ms	Service Shop
279 Portugal Cove Rd	Ms	Clinic
3 Queen St	Sn	Retail Store
2 Stavanger Dr	Sn	Service Station
410 Stavanger Dr	Ms	Retail Store
397 Stavanger Dr	Ms	Retail Store
415 Stavanger Dr	Ms	Restaurant
86 Thorburn Rd	Ms	Service Station
430 Topsail Rd - Cleo	Sn	Retail Store
446 Topsail Rd	Ms	Service Station
26-34 Torbay Rd	Ms	Tavern
10 Elizabeth Ave	Ms	Retail Store
192-194 Torbay Rd	Ms	Restaurant
320 Torbay Rd	Ms	Club

350 Torbay Rd -Greco	Sn	Restaurant
710 Torbay Rd	Ms	Retail Store
710 Torbay Rd	Ms	Retail Store
141 Torbay Rd	Ms	Retail Store
14-24 Pepperrell Rd	Co	Light Industrial Use
123-125 Quidi Vidi Rd	Rn	Eating Establishment
370 Torbay Rd, Suite E130	Rn	Office
655 Topsail Rd-Satin Laser Spa	Cr	Service Shop
95d Stavanger Dr	Rn	Eating Establishment
Avalon Mall,Merle Norman	Rn	Retail Store

Avalon Mall Jump Plus	Cr	Retail Store
47 Pippy Pl	Rn	Office
Factory Lane	Rn	Office

This Week \$ 791,223.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

1 Carrick Dr	Nc	Accessory Building
187 Empire Ave, Unit 1	Nc	Townhousing
187 Empire Ave , Unit 2	Nc	Townhousing
187 Empire Ave, Unit 3	Nc	Townhousing
187 Empire Ave, Unit 4	Nc	Townhousing
72 Kenai Cres, Lot 211	Nc	Single Detached Dwelling
90 Kenai Cres, Lot 220	Nc	Single Detached & Sub.Apt
Main Road, Lot 1	Nc	Single Detached Dwelling
12 Primrose Pl	Nc	Accessory Building
244 Stavanger Dr, Lot 67	Nc	Single Detached Dwelling
9 Lucyrose Lane	Cr	Single Detached Dwelling
13 Balmoral Pl	Rn	Single Detached Dwelling
16 Birmingham St	Rn	Single Detached & Sub.Apt
24 Exmouth St	Rn	Subsidiary Apartment
8 Lewisporte Pl	Rn	Single Detached & Sub.Apt
1 Mcneily St	Rn	Single Detached Dwelling
12 Merrymeeting Rd	Rn	Mixed Use
17 Miranda St	Rn	Single Detached & Sub.Apt
63 Prince Of Wales St	Rn	Single Detached Dwelling
46 Smith Ave	Rn	Single Detached Dwelling
80 Springdale St	Rn	Townhousing
73 Springdale St	Rn	Semi-Detached Dwelling
73 Springdale St	Rn	Semi-Detached Dwelling
23 Symonds Ave	Rn	Single Detached Dwelling
54 Long Pond Rd	Sw	Single Detached Dwelling
414blackmarsh Rd	Sn	Semi-Detached Dwelling

This Week \$ 1,566,050.00

Class: Demolition

This Week \$.00

This Week's Total: \$ 2,357,273.00

Repair Permits Issued: 2013/01/31 To 2013/02/06 \$ 15,000.00

Legend

- Co Change Of Occupancy
- Cr Chng Of Occ/Renovtns
- Ex Extension
- Nc New Construction
- Oc Occupant Change
- Rn Renovations
- Sw Site Work
- Ti Tenant Improvements
- Sn Sign
- Ms Mobile Sign
- Cc Chimney Construction
- Cd Chimney Demolition
- Dv Development File
- Ws Woodstove
- Dm Demolition

Year To Date Comparisons			
February 11, 2013			
Type	2012	2013	% Variance (+/-)
Commercial	\$9,200,300.00	\$29,600,800.00	222
Industrial	\$0.00	\$0.00	0
Government/Institutional	\$1,900,300.00	\$0.00	-100
Residential	\$12,400,000.00	\$10,200,100.00	-18
Repairs	\$200,500.00	\$100,800.00	-50
Housing Units (1 & 2 Family Dwellings)	33	25	
Total	\$23,701,100.00	\$39,901,700.00	68

Respectfully Submitted,

David Blackmore, R.P.A.
Director Of Building & Property Management.

Payrolls and Accounts

SJMC2013-02-11/80R

It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That the following Payrolls and Accounts for the week ending February 7th, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending February 7, 2013**

Payroll

Public Works	\$ 634,339.31
Bi-Weekly Casual	\$ 23,264.26
Accounts Payable	\$8,518,863.68
Total:	\$9,176,467.25

The motion being put was unanimously carried.

Snow Clearing Report for the period January 1st to February 1st, 2013

Council considered as information the snow clearing report for the period January 1 to February 8, 2013 showing a positive variance of \$24,738.00.

Letter of thanks from Sr. Elizabeth M. Davis and Sister Sharon Fagan, The Gathering Place

Council acknowledged the above noted letter of thanks from Sr. Elizabeth M. Davis and Sister Sharon Fagan, for the City’s most recent commitment to The Gathering Place.

Deputy Mayor Duff

Deputy Mayor Duff advised the general public of Council’s decision to support Bill C-400, a private member’s bill currently before Parliament that addresses the crisis of homelessness and inadequate housing in Canada. It was agreed that His Worship the Mayor on behalf of Council write a letter of support to Prime Minister Harper, Minister Peter Penashue, and copied to Premier Kathy Dunderdale and all members of Parliament.

Councillor O’Leary

Councillor O’Leary tabled a letter dated February 11, 2013 from Mr. John Fitzgerald, asking members of Council to give some consideration to a number of issues that need to be addressed in the subdivisions of Kenmount Terrace and Westgate, ie. walking trails, playgrounds, green space, tree retention, etc. His Worship the Mayor noted that staff have been negotiating for some time the acquisition of land in that area for park use and asked that the letter be referred to the City Manager for follow -up.

Councillor O’Leary advised that residents of the Outer Battery and Fort Amherst area are inquiring as to the type of activity taking place at the eastern end of St. John’s harbor. His Worship the Mayor suggested that Councillor O’Leary contact Mr. Sean Hanrahan, President and CEO St. John’s Port Authority in this regard.

His Worship the Mayor

His Worship the Mayor expressed concern with respect to the use of permits for disabled parking by people who should not be using them, which matter was referred to the Transportation Engineer to see what can be done to stop this abuse.

Adjournment

There being no further business, the meeting adjourned at 5:00 p.m.

MAYOR

CITY CLERK